

Iowa Administrative Code/Medicine Board [653]

(Rules written by the Executive Branch which have the full force and effect of law.)

Chapter 23 – Grounds for Discipline. The Board of Medicine has authority to impose discipline for any violation of Iowa Code chapter 147, 148, 148E, 252J, 261, or 272C or 2008 Iowa Acts, Senate File 2428, division II, or the rules promulgated thereunder. The grounds for discipline apply to physicians and acupuncturists. This rule is not subject to waiver or variance pursuant to [653—Chapter 3](#) or any other provision of law. The board may impose any of the disciplinary sanctions set forth in [653—subrule 25.25\(1\)](#), including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

23.1(16) Fraud in representations as to skill or ability. Fraud in representations as to skill or ability includes, but is not limited to, a licensee's having made misleading, deceptive or untrue representations as to the acupuncturist's or physician's competency to perform professional services for which the licensee is not qualified to perform by education, training or experience.

23.1(17) Use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making known to the public information or intention which is false, deceptive, misleading or promoted through fraud or misrepresentation and includes statements which may consist of, but are not limited to:

- a.* Inflated or unjustified claims which lead to expectations of favorable results;
- b.* Self-laudatory claims that imply that the licensee is skilled in a field or specialty of practice for which the licensee is not qualified;
- c.* Representations that are likely to cause the average person to misunderstand; or
- d.* Extravagant claims or claims of extraordinary skills not recognized by the medical profession.

23.1(18) Obtaining any fee by fraud or misrepresentation.